



THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 12/30/2015

GAIN Report Number: VM5088

Vietnam

Post: Hanoi

Vietnam issues mandatory GMO labeling Circular

Report Categories:

Biotechnology and Other New Production

Technologies

Food and Agricultural Import Regulations and

Standards - Narrative

Approved By:

Mark Dries

Prepared By:

Bui Huong and Michael Ward

Report Highlights:

The report provides a summary and un-official translation of Inter-Ministerial Circular 45/2015/TTLB-BNNPTNT-BKHCN, dated November 23, 2015, promulgating the regulation on labeling of pre-packed food products that contain genetically modified ingredients (pre-packed GM foods). The Inter-Ministerial Circular is effective from January 8, 2016.

Report Summary:

The Inter-Ministerial Circular 45/2015 was issued by the Ministry of Agriculture and Rural Development (MARD) and the Ministry of Science and Technology (MOST) on November 23, 2015 and provides detailed guidance on the labeling of pre-packed foods containing genetically modified ingredients. Circular 45/2015 stipulates that pre-packed food products must be labeled if one ingredient exceeds 5% of the total ingredients of the product is genetically modified. In the instance where a product must be labeled as containing a genetically modified product, the Vietnamese-language secondary label (for an imported product labelled in a language other than Vietnamese), an additional label affixed to the food product which includes the phrase “biến đổi gen” (aka: “genetically modified”), must be printed next to the GM ingredient on the listing of ingredients. The Inter-Ministerial Circular 45 implements Vietnam’s requirement on labeling of GMOs and GMO products that are stipulated in different legislative documents including the Bio-Safety Decree 69/2010/ND-CP ([see VM 2071](#)), and the Vietnam Food Safety Law, and the Law’s Implementing Decree ([see VM 3032](#)).

The Circular 45 is applied to pre-packed foods containing at least one GM ingredient that is at least 5% of the total ingredients of the product. In an instance where Circular 45 is applicable, a Vietnamese phrase “biến đổi gen” (aka: “genetically modified”) must be printed next to the GM ingredient on the ingredient listing of the Vietnamese-language secondary label that is affixed on a product.

Circular 45/2015 does not apply in the following cases: 1) pre-packed food which contains genetically modified ingredients that cannot be detected in the final product; 2) fresh, raw, or unpacked GM food (such as tofu sold in traditional wet markets and directly sold to consumers); and 3) GM food products used in emergency cases such as natural disasters and disease epidemics.

The labeling of GM food products as stipulated in Inter-Ministerial Circular 45/2015 is exempted and does not apply in the following cases: a) food carried by people on entry for personal use within the duty free limit; food in diplomatic bags; food temporarily imported for re-export; food in bonded warehouses; food used as samples for testing and research; and food used during exhibitions or trade shows; and b) materials/food additives/ food processing aids, and food packaging material imported for internal production that are not for sale in the market or for internal transportation among warehouses of an enterprise.

The Inter-Ministerial Circular 45/2015 requires the supplemental printing of the phrase “biến đổi gen” on the label of the food products being circulated in the market. After January 8, 2017, the pre-packed GM food products subject to this Circular that have labels not in compliance with Circular 45/2015 will not be allowed to be produced, traded, or imported into Vietnam.

The Inter-Circular 45 in Vietnamese is available at MARD’s Biotech Office’s website: <http://www.agrobiotech.gov.vn/web/tin.aspx?ID=8423>.

Below is un-official translation of the Inter-Ministerial Circular 45/2015/TTLT-BNNPTN-BKHCN:

**MINISTRY OF AGRICULTURE
AND RURAL DEVELOPMENT and
MINISTRY OF SCIENCE AND TECHNOLOGY**

**SOCIALIST REPUBLIC OF VIET NAM
Independence – Liberty – Happiness**

JOINT CIRCULAR

Guidance on labeling of pre-packed GM foods

Pursuant to the Food safety Law dated on June 17, 2010

Pursuant to Decree 69/2010/ND-CP dated on June 21, 2010 of the Government on the Biosafety of genetically modified organism, genetically specimens and the genetically modified organism product; and the Decree 108/2011/ND-CP dated on November 30, 2011 of the Government, to amend the Decree 69/2010/ND-CP on the Biosafety of genetically modified organism, genetically specimens and the genetically modified organism product.

Pursuant to the Government's Decree 38/2012/ND-CP dated on April 25, 2012;

Pursuant to the Government Decree 38/2012/ND-CP dated on April 25, 2012 to implement several articles in Food safety law.

Pursuant to the Government's Decree 199/2013/ND-CP dated November 26, 2013 on stipulation of function, authority, mission and structural organization of the Ministry of Agriculture and Rural Development (MARD);

Pursuant to the Government's Decree 20/2013/ND-CP dated February 26, 2013 on stipulation of function, authority, mission and structural organization of the Ministry of Science and Technology (MOST);

At the proposal of the Director of the Department of Science, Technology and Environment, Ministry of Agriculture and Rural Development and the Director of the Department of Science, Technology and Economic-technological Sectors (MOST);

The Minister of Agriculture and Rural Development and the Minister of Science and Technology issue a joint circular guiding the labeling of pre-packed GM foods as follows:

CHAPTER I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Circular stipulates labeling of pre-packed GM foods containing at least one GM ingredient that exceeds the level of 5% of the total ingredients forming the food product in order for the food to be circulated in the Vietnamese market.
2. This joint circular does not apply for:
 - a. Pre-packed genetically modified food products containing a genetically modified ingredient, but the gene or its product cannot be detected in the final food product.

- b. Fresh genetically modified food or un-packed genetically modified food for direct sale to customers.
 - c. Genetically modified foods used in the case of an emergency in order to overcome disaster and epidemic.
3. The label of the genetically modified foods for export must only ensure that it is not misinterpreting the nature of the food product and not violating Vietnamese or the importing country's law/regulations.

Article 2. Subject of applications

This Circular applies to organizations and individuals engaging in the production, trade, and import of genetically modified food products in Vietnam.

Article 3. Definition of term

The following terms when used in this Circular shall be defined as follows:

1. *Genetically modified food* is food that contains one or several ingredients in which a gene was modified by gene technology.
2. *Genetically modified ingredients, food additives, and food processing aid supplements* are materials containing a genetically modified organism, modified gene or their product, which are the result of the gene technique that can be used in food production and will remain in the final product although its form may be changed.
3. *Pre-packed genetically modified food* is GM foods completely packed and labeled, ready for sale or for further processing, or consumption.

Chapter II LABELING OF GENETICALLY MODIFIED FOOD

Article 4. Label format of the genetically modified food

1. Genetically modified food must be labelled in accordance with the regulation of labeling food products.
2. The phrase “genetically modified” and printed in Vietnamese must be included next to the name of the genetically modified ingredient.
3. For the product that has a label area less than 10cm², it is obligatory to print the product's name and phrase “genetically modified” on the label; the remaining compulsory contents that cannot be printed on the label must be printed in a document attached to the product.

Article 5. Exemptions of labeling for genetically modified foods

1. Food carried by people on entry for personal use within the duty free limit; food in diplomatic/consulate luggage; food temporarily imported for re-export; transit food; food in

bonded warehouses; food for use as a sample for testing or research; and food for exhibitions or trade shows.

2. Materials, food additives, food processing aids, and food packaging material imported for internal production and not for sale on the domestic market or used for internal transportation only among warehouses of different branches within one enterprise.

Article 6. Correction and Supplemental labeling of food products

The pre-packed genetically modified food being circulated in the market which has labeling that does not include information in accordance with provisions of this Inter-Ministerial Circular must be corrected and supplemented in accordance with the following principles:

1. Organizations and individuals that produce, trade, and import shall be responsible to remedy or correct labels.
2. The phrase "genetically modified" as regulated by this Inter-Ministerial Circular must be added, but it should not obscure /overlap with the other mandatory labeling contents as regulated by labeling legislation.
3. The remedy and amendment of a label's inappropriate or missing content must ensure that the information in question is presently clearly.

Chapter IV IMPLEMENTATION PROVISIONS

Article 7. Implementation effective

1. The Inter-Ministerial Circular will enter into force on January 8, 2015.
2. Genetically modified food having labels not in conformity with this Circular shall not be allowed for production and importation after January 8, 2017. In case that the genetically modified food is already in the market, it shall be allowed to continue to be sold, until the expiry date printed on the label.

Article 8. Responsibility for implementation

The National Agro-Forestry and Fisheries Quality Assurance Department (NAFIQAD-MARD); and the Directorate for Standards, Metrology and Quality (STAMEQ-MOST) are assigned to organize and inspect the Circular's implementation nationwide for products under their management.

During the implementation, if any problem arises, it should be reported to the two ministries for consideration./.

For MINISTER

SCIENCE AND TECHNOLOGY
VICE MINISTER

(signed)

For MINISTER

AGRICULTURAL & RURAL DEVELOPMENT
VICE MINISTER

(signed)

Trần Việt Thanh

Lê Quốc Doanh